

PHILLIPS, GOLDMAN, MCLAUGHLIN & HALL, P.A.

JOHN C. PHILLIPS, JR.
ROBERT S. GOLDMAN**†**
LISA C. MCLAUGHLIN+
JAMES P. HALL
DAVID A. BILSON***
MEGAN C. HANEY

ALSO MEMBER OF
*PENNSYLVANIA BAR
**NEW JERSEY BAR
+MARYLAND BAR
†FLORIDA BAR

ATTORNEYS AT LAW
PENNSYLVANIA AVE. AND BROOM ST.
1200 N. BROOM STREET
WILMINGTON, DELAWARE 19806

(302) 655-4200
(302) 655-4210 (F)
pgmhlaw.com

October 3, 2018

VIA CM/ECF

The Honorable Leonard P. Stark
J. Caleb Boggs Federal Building
844 N. King Street
Room 6124, Unit 26
Wilmington, DE 19801-3555

Re: *H. Lundbeck A/S v. Apotex Inc., et al.*, C.A. No. 18-088 (LPS) (consolidated)

Dear Chief Judge Stark:

The parties in the above-referenced matter write to request the scheduling of a discovery teleconference pursuant to Paragraph 8.m of the Scheduling Order to address disputes relating to a protective order.

In response to the Court's September 13, 2018 Order (D.I. 106), counsel for the parties discussed the issues and held a verbal meet-and-confer by telephone on September 28, 2018. The following attorneys participated in the September 28, 2018 meet-and-confer:

For Plaintiffs:

Delaware Counsel: Jack Blumenfeld of Morris Nichols Arsht & Tunnell LLP
Lead Counsel: Einar Stole, Brianne Bharkhda and Priscilla Dodson of Covington & Burling LLP

For Defendants Apotex Inc., Apotex Corp., and Apotex Research Private Limited (collectively, "Apotex"):

Delaware Counsel: Kenneth Dorsney of Morris James LLP
Lead Counsel: Philip Kouyoumdjian and Ian Scott of Taft Stettinius & Hollister LLP

For Defendant Alembic:

Delaware Counsel: Nicole Pedi of Richards, Layton & Finger, P.A.
Lead Counsel: Brad Graveline of Mullin Richter & Hampton LLP

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For Defendant Alkem Laboratories Limited (“Alkem”):

Delaware Counsel: Pilar Kraman of Young Conaway Stargatt & Taylor, LLP

Lead Counsel: Stephanie Nguyen of Sterne, Kessler, Goldstein & Fox P.L.L.C.

For Defendants Lupin Limited and Lupin Pharmaceuticals, Inc. (collectively, “Lupin”):

Delaware Counsel: Jim Lennon of the Devlin Law Firm LLC

Lead Counsel: Joseph Janusz of Katten Muchin Rosenman LLP

For Defendants Macleods Pharmaceuticals Limited and Macleods Pharma USA, Inc. (collectively, “Macleods”):

Delaware Counsel: Nicole Pedi of Richards, Layton & Finger, PA

Lead Counsel: Christopher Sorenson of Merchant & Gould PC

For Unichem Laboratories, Limited (“Unichem”):

Delaware Counsel: Jack Phillips of Phillips, Goldman, McLaughlin & Hall, P.A.

Lead Counsel: Paul Braier of Greenblum & Bernstein, P.L.C.

For Defendants MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc., and MSN Pharmachem Private Limited (collectively, “MSN”):

Delaware Counsel: Geoffrey Grivner of Buchanan Ingersoll & Rooney PC

Lead Counsel: Matthew Fedowitz of Buchanan Ingersoll & Rooney PC

For Defendants Cipla Limited and Cipla USA Inc. (collectively, “Cipla”):

Lead Counsel: Aaron Eckenthal of Lerner, David, Littenberg, Krumholz & Mentlik LLP

For Defendants Princeton Pharmaceuticals Inc. and Zhejiang Huahai Pharmaceutical Co., Ltd. (collectively, “Princeton”):

Delaware Counsel: Tyler Cragg of Richards, Layton & Finger, P.A.

Lead Counsel: Gary Coad of Arent Fox LLP

For Defendants Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Limited (collectively, “Zydus”):

Delaware Counsel: Jack Phillips of Phillips, Goldman, McLaughlin & Hall, P.A.

Lead Counsel: Timothy Peterson of Locke Lord LLP

For Defendants Amneal Pharmaceuticals LLC, Amneal Pharmaceuticals Pvt. Ltd., Amneal Pharmaceuticals Company GmbH, and Amneal Pharmaceuticals of New York, LLC (collectively, “Amneal”);

Delaware Counsel: Samantha G. Wilson of Young Conaway Stargatt & Taylor, LLP

Lead Counsel: Michael Dzwonczyk of Sughrue Mion, PLLC

For Defendants Hetero USA Inc., Hetero Labs Limited, and Hetero Labs Limited Unit-V (collectively, “Hetero”);

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Lead Counsel: Alexander Owczarczak of Wiley Rein LLP

For Defendants Sandoz Inc., Sandoz AG, and Lek Pharmaceuticals d.d. (collectively, “Sandoz”):

Delaware Counsel: Dominick Gattuso of Heyman Enerio Gattuso & Hirzel LLP

Lead Counsel: Laura Lydigsen, Joshua Ney, and Judy He of Brinks Gilson & Lione

For Defendant Sigmapharm Laboratories, LLC (“Sigmapharm”):

Delaware Counsel: Jack Phillips of Phillips, Goldman, McLaughlin & Hall, P.A.

Lead Counsel: Tom Heneghan of Husch Blackwell LLP

The dispute requiring judicial attention concerns whether the proposed Protective Order should include a provision allowing Defendants to designate certain Confidential Information as “Competitively Sensitive Confidential Information.” Defendants have proposed this provision in response to the Court’s September 13, 2018 Oral Order (D.I. 106) rejecting Defendants’ proposal for Paragraph 13 of the Protective Order “without prejudice to Defendants having an opportunity to propose a more targeted provision to address their concerns.”

Respectfully submitted,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (No. 110)

cc: Counsel of Record (via CM/ECF and email)
Clerk of Court (via hand delivery)